IN THE HIGH COURT OF UTTARAKHAD AT NAINITAL

Chapter VIII, Rule 32(2) (b)
Description of case

Writ Petition No. 15 of 2007 (S/B)

Date of decision: 5th September, 2007

A.F.R. (Approved for Reporting)

~~Not Approved for Reporting~~

Date Initials of Judge

Note: Bench Reader will attach this at the top of first page of the judgment when it is put up before the Judge for signature.

IN THE HIGH COURT OF UTTARAKHAD AT NAINITAL

Writ Petition No. 15 of 2007 (S/B)

Jagmohan Singh Chauhan
S/o Late Sri Sabbal Singh Chauhan,
Serving as Project Manager,
District Project Management Unit,
'Swajal' Project, Dehradun …… Petitioner

Versus

1. Managing Director,
   Uttaranchal Bahuuddeshiya Vitta Evam Vikas
   Nigam Ltd. , 100 Basant Vihar, Phase –I,
   Dehradun.
2. Smt. Vineeta Kumar, I.A.S., Principal Secretary,
   Department of Social Welfare,
   Government of Uttaranchal,
   Dehradun.
3. Secretary, Drinking Water Department,
   Government of Uttaranchal, Dehradun.
4. Director, Project Management Unit,
   'Swajal' Project, Uttaranchal, Dehradun.
5. Secretary, Appointment and Personnel Department,
   Government of Uttaranchal,
   Dehradun ……. Respondents

……...

Sri Alok Mehra, Advocate for the petitioner.
Sri Alok Sing, Senior Counsel with Sri D.Barthwal, Advocate for respondents 1 and 2.
Sri Subhash Upadhyaya, Brief Holder for respondents 3 and 5.
None for respondent no. 4.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S.Rawat, j.

RAJEEV GUPTA, C.J. (Oral)

Sri Alok Mehra, Advocate for the petitioner.

Sri Alok Singh, Senior Counsel with Sri D.Barthwal, Advocate for respondents 1 and 2.

Sri Subhash Upadhyaya, Brief Holder for respondents 3 and 5.

None for respondent no. 4.

They are heard on admission.

2. Petitioner Jagmohan Singh Chauhan has filed this writ petition for the following reliefs:

> **"A**. To issue a writ, order or direction in the nature of certiorari for quashing the impugned order dated 20.11.2006 passed by respondent no. 2 (Annexure No. 15 to the writ petition).
>
> **B.** To issue a writ, order or direction in the nature of mandamus commanding the respondent no. 4 to permit the petitioner to function as Project Manager in Project Management Unit, Swajal Project, Distric Dehradun till he completes the deputation period of three years.
>
> **C.** To issue a writ, order or direction in the nature of mandamus restraining the respondent no. 2 from harsssing or victimising the petitioner in any manner whatsoever.
>
> **D.** To issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> **F.** Award the cost of the writ petition in favour of the petitioner."

3. The petitioner, in substance, is seeking quashing of the impugned order dated 20.11.2006 (Annexure – 15) passed by respondent no. 2, whereby the petitioner was repatriated to his parent department.

4. Petitioner Jagmohan Singh Chauhan, who was working as Deputy General Manager in Uttaranchal Bahuuddeshiya Vitta Evam Vikas Nigan Ltd. was sent on deputation as Project Manger to Swajal Project vide order dated 11.10.2004 for a period of three years. It appears that after a period of about two years, the parent department felt acute need of the services of the petitioner and, therefore, impugned order dated 20.11.2006 was passed discontinuing the petitioner's deputation and of his repatriation to the parent department.

5. A deputationist has no legal right to continue on deputation and the parent department can pass an order of his repatriation even before the expiry of the period of deputation. That apart, the order of petitioner's deputation clearly stipulates that the petitioner can be called back to his parent department at any time and even before the expiry of the period of deputation.

6. During the course of hearing, it transpired that the petitioner has joined back his parent department during the pendency of the writ petition.

7. In this view of the matter, we do not find any infirmity in the impugned order dated 20th November, 2006 which may warrant interference in this writ petition.

8. The writ petition, therefore, is liable to be dismissed and is hereby dismissed summarily.

(J.C.S.Rawat , J.) 05.09.2007

(Rajeev Gupta, C. J.) 05.09.2007

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